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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 RAJINDER KANG,

8 Plaintiff,

9 v.

10 MARATHON FUNDING SERVICES, INC.,  
et al.,

11 Defendants.

CASE NO. C19-1724RSM

ORDER GRANTING PLAINTIFF'S  
MOTION FOR DISMISSAL OR REMAND

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13 This matter is before the Court on Plaintiff's Motion for Dismissal or Remand. Dkt. #5.  
14 This action was originally filed in state court, as a "post-foreclosure eviction," in April 2019. *Id.*  
15 at 1; Dkt. #1-1 at 1–2. Subsequently, Defendant Marathon Funding Services, Inc. ("Marathon"),  
16 filed for bankruptcy. Dkt. #1-1 at 2. After Plaintiff obtained relief from the automatic bankruptcy  
17 stay, Defendant Robert Crawford ("Crawford") removed this state court action on the basis that  
18 it was related to Marathon's ongoing bankruptcy. *Id.* In turn, Plaintiff filed his Motion for  
19 Dismissal or Remand, arguing that the Court lacks subject matter jurisdiction<sup>1</sup> and that the  
20 Bankruptcy Court, in lifting the stay, already determined that the underlying property at issue  
21 was not a part of Marathon's bankruptcy estate. Dkt. #5 at 3–5.  
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24 <sup>1</sup> Judge Coughenour remanded a prior attempt at removal for lack of jurisdiction. *Kang v. Marathon Funding Services Inc.*, Case No. C19-829JCC, Dkt. #12 (W.D. Wash. July 9, 2019).

1 Crawford opposed the Motion for Dismissal or Remand. Dkt. #8. However, on  
2 November 18, 2019, Marathon's bankruptcy, upon which Crawford relied, was dismissed. Dkt.  
3 #9 at 2–3. Crawford filed notice with the Court as a “Reply in Support of the Plaintiff’s Motion  
4 for Dismissal” indicating that “the central cause for the removal of this case is now moot.” *Id.*  
5 at 1. The Court interprets Crawford’s filing as a concession on the issue of whether removal was  
6 proper and notes that Plaintiff did not file a separate reply—likely indicating the parties’  
7 understanding that dismissal of Marathon’s bankruptcy precluded a basis for removal.

8 Accordingly, and having reviewed the filings and the remainder of the record, the Court  
9 finds and ORDERS that Plaintiff’s Motion for Dismissal or Remand (Dkt. #5) is GRANTED.  
10 The Clerk is DIRECTED to remand this case to King County Superior Court.

11 Dated this 2 day of December, 2019.

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13 RICARDO S. MARTINEZ  
14 CHIEF UNITED STATES DISTRICT JUDGE  
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